

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:09-CR-79-001
vs.)	
)	Judge McDonough/Steger
TYMETRIC LEJUAN GRAHAM)	

MEMORANDUM AND ORDER

TYMETRIC LEJUAN GRAHAM (“Defendant”) came before the Court for an initial appearance on June 7, 2016, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (“Petition”).

After being sworn in due form of law, Defendant was informed of his privilege against self-incrimination under the 5th Amendment and his right to counsel under the 6th Amendment to the United States Constitution.

The Court determined Defendant wished to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court APPOINTED Gianna Maio of Federal Defender Services of Eastern Tennessee, Inc. to represent Defendant.

Defendant was furnished with a copy of the Petition, and had an opportunity to review that document with his attorney. The Court determined that Defendant was able to read and understand the Petition with the assistance of his counsel. In addition, AUSA Michael Porter explained to Defendant the specific offenses contained in the Petition. Defendant acknowledged that he understood the offenses detailed in the Petition.

The Government moved Defendant be detained pending a hearing before Judge McDonough to determine whether his term of supervision should be revoked. The Court explained Defendant's right to a preliminary hearing and detention hearing and what those hearings entail. Defendant conferred with his counsel and requested that the preliminary hearing and detention hearing be waived. The Court accommodated this request, and granted the Government's oral motion to detain Defendant pending his revocation hearing based on evidence in the sworn Petition detailing reasons that Defendant poses a flight risk and a danger to the community, as well as reasons that no bond condition or combination of conditions could reasonably mitigate those risks.

More specifically, the undersigned finds:

1. There is probable cause to believe Defendant has committed violations of his conditions of supervised release as alleged in the Petition, and Defendant presents a danger to other persons and the general community and is a flight risk.
2. More specifically, there is probable cause to believe that, among other things Defendant has: illegally possessed controlled substances; failed to report to the probation officer and submit a truthful report within the first five days of each month; failed to truthfully answer all inquiries and follow the instructions of the probation officer; failed to notify the probation officer at least ten days prior to any change in residence or employment; frequented places where controlled substances are illegally sold, used, distributed or administered; and associated with persons engaged in criminal activity or persons with felony convictions without permission of the probation officer.
3. There are no conditions or combination of conditions that will reasonably assure Defendant's safety, the safety of the community or Defendant's attendance at future hearings.

It is, therefore, ORDERED that:

1. Defendant shall appear in a revocation hearing before U.S. District Judge McDonough on **July 29, 2016, at 2:00 p.m.**
2. The motion of the Government that Defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge McDonough is GRANTED.
3. The U.S. Marshal shall transport Defendant to the revocation hearing before Judge McDonough at the aforementioned date and time.

SO ORDERED.

ENTER.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE